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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF
Novoship (UK) Limited, Cally Shipholdings Inc.,
Vital Shipping Corporation, Dainford Navigation Inc.,
Tamara Shipholdings S.A., and Tuscany Maritime S.A.

For an Order Pursuant to 28 U.S.C. § 1782 to
Conduct Discovery for Use in Foreign Proceedings

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
Case No. DOC #: _____
DATE FILED: 3/19/15

**ORDER GRANTING APPLICATION FOR
JUDICIAL ASSISTANCE PURSUANT TO 28 U.S.C. §1782**

THIS CAUSE came before the Court upon the Application of Novoship (UK) Limited, Cally Shipholdings Inc., Vital Shipping Corporation, Dainford Navigation Inc., Tamara Shipholdings S.A., and Tuscany Maritime S.A. for Judicial Assistance Pursuant to 28 U.S.C. § 1782 (“Application”). The Court, having considered the § 1782 Application, the supporting materials, and otherwise being fully advised in the premises, finds as follows:

A. Novoship (UK) Limited, Cally Shipholdings Inc., Vital Shipping Corporation, Dainford Navigation Inc., Tamara Shipholdings S.A., and Tuscany Maritime S.A. (“Applicants”) have met the requirements under 28 U.S.C. § 1782 for granting the requested judicial assistance and relief.

B. For purposes of the instant Application, the following financial institutions, persons, and corporate entities reside or are found in the Southern District of New York: Citibank, N.A.; The Bank of New York Mellon Corporation; Bankers Trust; Société Générale; HSBC Bank USA, N.A.; BNP Paribas USA; JPMorgan Chase & Co.; Barclays Bank PLC; JPMorgan Chase Bank, N.A.; Bank of America, N.A.; U.S. Trust; and Wells Fargo Bank, N.A.; UBS AG, German Rivero Zerpa, Danilo Alfonso Diazgranados Manglano, and Avila Capital Markets, LLC (collectively, “Discovery Targets”).

C. The documentary and testimonial discovery sought through this Application is for use in proceedings pending before a foreign tribunal and for use in reasonably contemplated foreign proceedings.

D. The Applicants, in their capacity as party-litigants, judgment creditors and party-complainants, are interested persons within the meaning of the statute.

E. The discretionary factors, as described by the United States Supreme Court in Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 247 (2004), weigh in favor of granting the requested assistance.

F. More particularly: (1) the Discovery Targets are not parties in the proceedings in the United Kingdom and Switzerland and are not expected to become parties thereto, thus, the need for this discovery is more apparent; (2) there is no indication that the foreign courts would not be receptive to U.S. federal-court judicial assistance as requested in the Application; (3) the Application does not conceal an attempt to circumvent foreign proof-gathering restrictions; and (4) the Application seeks discovery that is not unduly intrusive or burdensome as the Application requests evidence of the type normally produced by financial institutions, persons, or corporate entities as third parties or parties in litigation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. The Application is **GRANTED**.
2. Any discovery taken pursuant to this Order will be governed by the Federal Rules of Civil Procedure.

3. The Applicants' request for leave to conduct discovery including, but not limited to, leave to serve subpoenas in substantially similar form as the form attached to the Application is **GRANTED**.

4. The Discovery Targets are ordered to preserve all relevant and potentially relevant evidence in their possession, custody or control until such time as the Applicants

communicate to them that the preservation is no longer necessary or until further order of this Court.

5. The Applicants are further authorized to issue and serve additional follow-up subpoenas on Discovery Targets as may be necessary to obtain the documentary and testimonial evidence for use in the foreign proceedings, as described in the Application.

6. Nothing in this Order should be construed to prevent or otherwise foreclose the Applicant from seeking modification of this Order or leave of Court to serve any additional subpoena on a person or entity.

IT IS SO ORDERED, this 19th day of March, 2015.

RMB Part I
UNITED STATES DISTRICT COURT JUDGE